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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILD HORSE EDUCATION, and
LAURA LEIGH, individually,

Plaintiffs,

v.

U.S. DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT,
and KIMBERLY PRILL,¹ in his official
capacity as Nevada State Director of the
Bureau of Land Management,

Federal Defendants.

Case No. 3:23-cv-00372-MMD-CLB

**FEDERAL DEFENDANTS' NOTICE
OF LODGING ADMINISTRATIVE
RECORD**

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kimberly Prill, Acting Nevada State Director of BLM, is automatically substituted for Jon Raby.

1 Pursuant to the Court’s Order Adopting Joint Case Management Report as Briefing
2 Schedule, ECF No. 76, Federal Defendants hereby provide notice of the lodging of the
3 Administrative Record for the above captioned case. The Administrative Record comprises those
4 materials considered directly and indirectly by the U.S. Bureau of Land Management (“BLM”)
5 as pertinent to the claims raised in the complaint. The agency’s certification of the
6 Administrative Record and a PDF copy of the index are attached to this notice as exhibits.

7 In addition to those materials within the Administrative Record, as relevant for the First
8 Amendment claim alleged in the complaint, Federal Defendants intend to rely on the materials
9 submitted in opposing Plaintiffs’ motions for temporary restraining orders. *See, e.g.*, ECF No.
10 ECF Nos. 21-7 at 10 (Gather Observation Protocol for 2023 Antelope Complex gather); ECF
11 No. 21-3; ECF Nos. 36 & 39 (transcripts from temporary restraining order hearing); *see also*
12 ECF No. 66-3. And to the extent that Plaintiffs seek to submit declarations and documentary
13 evidence in support of their First Amendment claim on summary judgment, Federal Defendants
14 reserve the right to submit rebuttal declarations and evidence. *See, e.g., Leigh v. Raby*, No. 3-22-
15 cv-00034-MMD-CLB, 2023 WL 2717327, at *3 (D. Nev. Mar. 30, 2023) (this Court permitting
16 “Plaintiffs to submit declarations describing their or their members’ experiences attempting to
17 observe the gather attached as exhibits to their merits brief limited in scope to Plaintiffs’ First
18 Amendment claim,” and allowing the government to “similarly submit declarations with their
19 merits response brief and cross-motion limited in scope to Plaintiffs’ First Amendment claim”).

20 Moreover, some of Plaintiffs’ claims concern BLM’s post-decisional implementation of
21 the challenged gather decision—specifically, the number of horses that BLM has gathered. *See,*
22 *e.g.*, ECF No. 70 ¶¶ 84, 89. Thus, Federal Defendants will not oppose a request by Plaintiffs that
23 the Court take judicial notice of BLM’s publicly available gather report websites for the limited
24 purpose of showing the number of horses that BLM has gathered under the challenged decision.
25 Federal Defendants reserve the right to rebut, clarify, or contextualize any inferences Plaintiffs
26 draw from these gather reports as appropriate.

27 Federal Defendants have provided the Administrative Record to Plaintiffs’ counsel and
28 the Court via Federal Express shipments containing thumb drives. For the shipment to the Court,

one thumb drive is for the Clerk's office and the other is for delivery to the Chambers of the Honorable Miranda M. Du. Each thumb drive provided to the Court and Plaintiffs' counsel contains bates numbered, electronic copies of the documents in the Administrative Record accessible via hyperlinked indexes.

Dated: April 4, 2025

Respectfully submitted,

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